

**BOARD OF REAL ESTATE APPRAISERS  
BOARD MEETING MINUTES – November 1, 2005**

**MEMBERS PRESENT**

Kenneth Charest  
Bruce Bell  
Walter Bowditch  
Joseph Herlihy  
William Dobrowolski  
Daniel Shipley  
James Murphy

**MEMBERS ABSENT**

**OTHERS PRESENT**

Carol Leighton, Administrator  
Andrew Black, Assistant Attorney General  
Kim Baker-Stetson, Licensing Clerk  
Susan Greenlaw, Board Clerk

**Location:** Central Conference Room    **Start:** 9:00 a.m.    **Adjourn:** 3:15 p.m.

**CALL TO ORDER**

The meeting was called to order at 9:00 a.m.

**AGENDA MODIFICATIONS**

A motion was made by Walter Bowditch to add the following to the agenda; seconded by James Murphy. Unanimous.

- Complaint updates
  1. #REA-225
  2. #REA-226
  3. #REA-208
  4. #REA-209

**OLD BUSINESS**

**Action on Minutes of October 4, 2005 Meeting**

A motion was made by Walter Bowditch to approve the minutes of the October 4, 2005 meeting as written; seconded by Bruce Bell. Unanimous.

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**Action on Tabled Applications/Items**

NAME	APPLYING TO	ACTION
APPLICANT #1	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = YES MIN 24 MONTHS EXP MET? = FIRST LIC RAT: 02/03/1998 TO 08/13/1999 AP: 08/13/1999 TO PRESENT HAS MIN 2500 HOURS WK EXP WITH "SOME" MAJOR APPRAISAL EXPERIENCE DOCUMENTED IN THE FILE	NOV 01, 2005 – MOTION BY MURPHY TO REMOVE FROM TABLE; SECONDED BY BOWDITCH. UNANIMOUS.  MOTION BY MURPHY TO DENY PURSUANT TO 32 M.R.S.A. §14023(2)(5), 14031(1), AND BOARD RULES CHAPTER 200 SECTION 4(B)(2); SECONDED BY BELL. UNANIMOUS.  OCT 24, 2005 – WORK FILE SENT TO MURPHY OCT 04, – REQUEST WORK FILES OCT 04, 2005 – REPORT ON REVIEW OF APPRAISALS - MURPHY

**NEW BUSINESS**

**Administrator's Report**

Draft Legislative Proposal: Members reviewed a draft bill with proposed changes to the license qualifications to conform to the education, experience, and exam requirements adopted by the Appraiser Qualifications Board effective January 1, 2008.

**Complaint Officer's Report**

**#REA-225:** A motion was made by Bruce Bell to authorize AAG to offer the licensee an extension on signing the consent agreement up until 20 days before a hearing is scheduled and to abstain from practice until that time; seconded by James Murphy. Bell, Charest, Dobrowolski, Herlihy, Murphy, and Shipley voted in the affirmative; none opposed; Bowditch abstained. Motion carried.

**#REA-226:** Consent agreement has been signed.

**#REA-208:** Consent agreement has been signed.

**#REA-209:** Consent agreement has been signed.

**#REA-224:** A motion was made by James Murphy to approve the Letter of Guidance as presented; seconded by Bruce Bell. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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**#REA-227:** A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by William Dobrowolski. Bell, Bowditch, Dobrowolski, and Shipley voted in the affirmative; Charest and Murphy opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to issue a Letter of Guidance to regarding highest and best use; the Letter of Guidance shall be retained in the licensee's file for a period of one year; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-228:** A motion was made by Walter Bowditch to find sufficient grounds for a hearing; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by James Murphy to find grounds for violation of 32 M.R.S.A. §14014(1)(G), (I), (J), and to offer a Consent Agreement to include the following: (1) Admission to violations; (2) \$1500 fine; (3) successful completion of 15 hour USPAP course with exam; (4) no supervision of trainees until 1/1/08 (5) 30 days to accept Agreement; seconded by Bruce Bell. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-229:** A motion was made by Walter Bowditch to find sufficient grounds for a hearing; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to find grounds for violation of 32 M.R.S.A. §14014(1)(G) and USPAP Standards Rule 2-1(a)(b) and to offer a Consent Agreement to include the following: (1) Admission to violations; (2) \$1500 fine; (3) successful completion of 15 hour USPAP course with exam, can not be used for renewal; (4) 30 days to accept Agreement; seconded by Daniel Shipley. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-230:** A motion was made by William Dobrowolski to dismiss upon finding no violation of Board statute or rules; seconded by Bruce Bell. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; Murphy opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to issue a Letter of Guidance reminding the licensee to take more time and use due diligence; the Letter of Guidance shall be retained in the licensee's file for a period of one year; seconded by William Dobrowolski. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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**#REA-231:** A motion was made by Walter Bowditch to find sufficient grounds for a hearing; seconded by William Dobrowolski. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to find grounds for violation of 32 M.R.S.A. §14014(1)(B)(G)(I)(J), USPAP Standards Rule 1-1(b)(c), 1-2(h), 2-1(a)(c), 2-2(a)(iii) and to schedule a hearing; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-232:** A motion was made by Bruce Bell to find sufficient grounds for a hearing; seconded by Daniel Shipley. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to find grounds for violation of 32 M.R.S.A. §14014(1)(B)(G)(I)(J), USPAP Standards Rule 1-1(b)(c), 1-2(h), 2-1(a)(c), 2-2(a)(iii) and to schedule a hearing; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-233:** A motion was made by Bruce Bell to dismiss upon finding no violation of Board statute or rules; seconded by Walter Bowditch. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by to Walter Bowditch issue a Letter of Guidance to the licensee regarding confidentiality and due diligence in disclosing scope of work; the Letter of Guidance shall be retained in the licensee's file for a period of one year; seconded by William Dobrowolski. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-239:** A motion was made by Daniel Shipley to dismiss upon find no violation of Board statute or rules; seconded by Walter Bowditch. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-245:** A motion was made by Walter Bowditch to find sufficient grounds for a hearing; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to find grounds for violation of 32 M.R.S.A. § 14014(1)(G) and USPAP Standards Rule 2-2(b)(i) and offer a Consent Agreement to include the following: (1) Admission to violations; (2) \$500 fine; (3) successful completion of 15 hour USPAP with exam to be completed within 90 days, can not be used for renewal; (4) 30 days to accept Agreement; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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**#REA-253:** A motion was made by Daniel Shipley to dismiss upon finding no violation of Board statute or rules; seconded by William Dobrowolski. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to issue a Letter of Guidance regarding need to support land value and the use of additional comparables; the Letter of Guidance shall be retained in the licensee's file for a period of 1 year; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-256:** A motion was made by Walter Bowditch to find sufficient grounds for a hearing; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by James Murphy to find grounds for violation of 32 M.R.S.A. §14014(1)(B)(G)(I)(J), USPAP Ethics, Competence, Standards Rule 1-1(a)(b)(c), 1-2(e)(i), 2-2(a)(b)(iii) and to offer the following Consent Agreements to include: 1. (1) Admission to violations; and (2) voluntary surrender of license or 2. (1) Admission to violations; (2) \$6000 fine; (3) 6 month license suspension (4) successful completion of 15 hour USPAP with exam to be completed within six months, can not use for renewal; (5) successful completion of minimum 30 hour basic appraisal course with exam within six months, can not use for renewal; (6) 30 days to accept Agreement; seconded by William Dobrowolski. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; Bowditch opposed; Herlihy abstained. Motion carried.

**#REA-257:** A motion was made by Walter Bowditch to find sufficient grounds for a hearing; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by James Murphy to find grounds for violation of 32 M.R.S.A. §14014(1)(B)(G)(I)(J), USPAP Ethics, Competence, Standards Rule 1-1(a)(b)(c), 1-2(e)(i), 2-2(a)(b)(iii) and to offer the following Consent Agreements to include: 1. (1) Admission to violations; and (2) voluntary surrender of license or 2. (1) Admission to violations; (2) \$6000 fine; (3) 6 month license suspension (4) successful completion of 15 hour USPAP with exam to be completed within six months, can not be used for renewal; (5) minimum 30 hour basic appraisal course within six months, can not use for renewal; (6) 30 days to accept Agreement; seconded by William Dobrowolski. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; Bowditch opposed; Herlihy abstained. Motion carried.

**#REA-261:** A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by Bruce Bell. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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**Review and Action on Applications and Education**

***New Applications***

NAME	APPLYING TO	ACTION
APPLICANT #1	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = YES MIN 24 MONTHS EXP MET? = FIRST LIC RAT: 01/19/1996 TO 11/16/1998 AP: 11/16/1998 TO PRESENT HAS MIN 2500 HOURS WK EXP WITH "SOME" MAJOR APPRAISAL EXPERIENCE DOCUMENTED IN THE FILE	NOV 01, 2005 – REPORT ON REVIEW OF APPRAISALS – CHAREST  A MOTION WAS MADE BY CHAREST TO DENY PURSUANT TO 32 M.R.S.A. §14023(2)(5), 14031(1), AND BOARD RULES CHAPTER 200 SECTION 4(B)(2); SECONDED BY DOBROWOLSKI. UNANIMOUS.
APPLICANT #2	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = YES MIN 24 MONTHS EXP MET? = FIRST LIC RAT: 06/05/2002 TO 02/04/2004 AP: 02/04/2004 TO PRESENT HAS MIN 2500 HOURS WK EXP WITH "SOME" MAJOR APPRAISAL EXPERIENCE DOCUMENTED IN THE FILE	NOV 01, 2005 – REPORT ON REVIEW OF APPRAISALS – BOWDITCH  A MOTION WAS MADE BY BOWDITCH TO DENY PURSUANT TO 32 M.R.S.A. §14023(2)(5), 14031(1), AND BOARD RULES CHAPTER 200 SECTION 4(B)(2); SECONDED BY JAMES MURPHY. UNANIMOUS.

**Correspondence**

Letter from Dorothy Hamory: Requesting approval to take the required USPAP course in January or February due to being deployed by FEMA in the Gulf following hurricane Katrina. A motion was made by William Dobrowolski to approve her request and waive the late fee as long as the requirement is met during the 90 day period following license expiration; seconded by James Murphy. Unanimous.

ARELLO Appraiser Regulation Roundtable: Provided as information for the Board; no action necessary.

Jonathan P. Goldstein – Research Proposal – *The Market Value of Mid-Coast Maine Real Estate: A Statistical Approach*: Provided as information for the Board; no action necessary.

**Next Meeting Scheduled for December 6, 2005**

**OTHER BUSINESS**

Joseph Herlihy presented his report from the AARO Conference held October 7-11, 2005 in Washington, DC.

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**ADJOURN**

Being no further board business the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Susan Greenlaw  
Board Clerk